



TEXAS

Health and Human Services

Dr. Courtney N. Phillips, Executive Commissioner

Request for Applications (RFA) For

**HIV Capacity Building
RFA No. HHS0004673**

**Date of Release: Wednesday, October 30, 2019
Responses Due: Friday, November 22, 2019 by 2:00 p.m.
Central Time**

NIGP Codes:

**715-47: MANUALS: PARTS, PERSONNEL, POLICY, PURCHASING, TRAINING,
ETC. (not otherwise classified)**

918-38: EDUCATION AND TRAINING CONSULTING

924-40: INSTRUCTOR-LED, CLASSROOM TRAINING, TECHNICAL

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ARTICLE I. EXECUTIVE SUMMARY, DEFINITIONS, AND AUTHORITY

1.1 EXECUTIVE SUMMARY

The Health and Human Services Commission (HHSC) on behalf of the Department of State Health Services (DSHS) Human Immunodeficiency Virus (HIV)/STD Program announces the expected availability of Federal Fiscal Year (FFY) 2020 funding to provide training and technical assistance that will enhance the ability of DSHS' HIV providers to offer effective HIV/STD prevention and care services.

This Request for Applications (RFA) contains the requirements that all Applicants must meet to be considered for a contract under this RFA. Failure to comply with these requirements will result in disqualification of the application without further consideration. Each Applicant is solely responsible for the preparation and submission of an application in accordance with instructions contained in this RFA.

Before completing the application, refer to the relevant program standards provided in **Article II**. Other sections within the RFA may contain additional instructions pertaining to unique program requirements set forth in legislation or regulations, etc. **If web links in this document do not open, copy and paste them into your internet browser window.**

To be considered for award, Applicant must execute **Exhibit A, Affirmations and Solicitation Acceptance**, of this solicitation and provide all other required information and documentation as set forth in this solicitation.

1.2 DEFINITIONS

Refer to **Exhibit B, HHSC Grantee Uniform Terms and Conditions** for additional definitions. Additionally, as used in this solicitation, unless the context clearly indicates otherwise, the following terms and conditions have the meanings assigned below:

"**Addendum**" means a written clarification or revision to this Solicitation issued by the System Agency.

"**Apparent Awardee**" means an organization that has been selected to receive a grant award through response to this RFA but has not yet executed a grant agreement or contract. May also be referred to as "Apparent Grant Recipient" or "Apparent Applicant."

"**Appendix**" means the document(s)/forms identified as such that provide additional information and found at the end of this solicitation document.

"**Budget**" means the financial schedule documented in the contract that describes how funds will be used and/or describes the basis for reimbursement for the provision of

contracted services. Types of budgets may include categorical (line item), fee for service, or lump sum.

“Budget Period” means the duration of the budget (stated in the number of months the contract will reflect from begin date to end date of the term of the contract).

“Client” means a member of the target population to be served by the Applicant's organization. For the purposes of this grant, a client is [describe client to be served by grant]

“Contractor” means an individual, organization, or entity that contracts with DSHS to provide services and/or goods. This includes (but is not limited to) vendors, sub-recipients, and Applicants.

“Contract Term” means the period during which the contract or program attachment will be effective from begin date to end or renewal date. The contract term may or may not be the same as the budget period.

“FTN” is the acronym for acronym for Foundations of Testing and Counseling, the three-day course that is the required standard for all new HIV Prevention contractors within three months of employment.

“Grantee” May also be referred to as “Applicant or Respondent.”

“GSD” is the acronym for Gender and Sexual Diversity, a cultural competency training. It is a day-long training seminar on competently serving members of the gender and sexually diverse community.

“HHS Grants website” means the agency's website where all HHS grant funded solicitations are posted.

“HNT” is the acronym for HIV Navigation in Texas. This blended learning series is required within the first year of employment for HIV/STD prevention staff and HIV care and treatment services staff.

“High-Impact Prevention” – Using combinations of scientifically proven, cost-effective, and scalable interventions targeted to the right populations in the right geographic areas. This approach promises to greatly increase the impact of HIV prevention efforts.

“Key Personnel” means an Applicant’s organizational project contact, fiscal contact, and Executive Director and/or any other key stakeholders listed in the Applicant’s Proposed Project.

“MI” is the acronym for Motivational Interviewing, a client-centered approach used to enhance motivation to change while resolving ambivalence with a client.

“Project” During the open application period and before selection of grant recipients are made, the Project will be known as the Proposed Project.

“State” means the State of Texas and its instrumentalities, including HHSC, the System Agency and any other state agency, its officers, employees, or authorized agents.

“System Agency” for this solicitation means the Department of State Health Services (DSHS), its officers, employees or authorized agents.

“TIC” is the acronym for Trauma Informed Care, a one-day training that provides an overview of trauma, how it affects the brain, and how it impacts behavior.

1.3 AUTHORITY

The System Agency is requesting applications under the Texas Health and Safety Code Chapter 1001. The HIV Prevention Program in Texas was created under the Texas Health and Safety Code, Chapters 81 and 85.

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ARTICLE II. SCOPE OF GRANT AWARD

2.1 PROGRAM BACKGROUND

The Department of State Health Services (DSHS) HIV/STD Program has the duty to identify, report, prevent, and control HIV, AIDS, and STDs in the state of Texas. The Program is dedicated to preventing the spread of HIV and other STDs while minimizing complications and costs. This is achieved primarily through education, prevention activities, screening and testing, partner elicitation and notification, and the provision of medical and social services. Services are provided primarily through contracts with community-based agencies, hospital health systems, local health departments and other governmental entities. Training for Texas service providers is mandated in the Health and Safety Code, Section 85.087, which requires DSHS to develop and offer training courses for persons providing HIV services. Professional capacity building services are procured to provide training required for those who deliver HIV and STD services across the state.

HIV prevention services were introduced in 1985 when the primary focus was offering HIV testing and providing basic information about HIV and AIDS. Since its inception, interventions evolved from a basic education and testing model towards a client-centered HIV prevention counseling model using structured, written protocols. With scientific and programmatic advances, prevention efforts further evolved to focus on testing to identify persons living with HIV who do not know their status, linking them to medical care and working to maintain them in treatment that will lead to viral suppression.

Currently, Texas is implementing a High-Impact HIV Prevention (HIP) approach to reducing new infections that focuses on status neutral HIV testing and navigation to medical care utilizing biomedical HIV treatments. DSHS funded HIV/STD activities in Texas are based on “Achieving Together: A Community Plan to End the HIV Epidemic” (Appendix 1), released in 2018. The Plan reflects the ideas, recommendations, and guidance of the people impacted by HIV, people living with HIV, clinicians, and researchers and aims to end the HIV epidemic in Texas by 2030. HIV Prevention and Care services in Texas are person-centered, with a focus on services that strengthen an individual’s ability to live a sexually healthy life and encourage continued medical care regardless of HIV-status.

2.2 GRANT AWARD AND TERM

2.2.1 Available Funding

The total amount of state funding available for the HIV Capacity Building RFA grant is \$2,500,000.00. In Fiscal Year 2020, approximately \$500,000 is expected to be available to fund one contract. The specific dollar amount awarded to the successful Applicant depends upon the merit, scope and deliverables basis of the Applicant’s application and other best value considerations and is at the sole discretion of DSHS.

DSHS reserves the right to alter, amend or withdraw this RFA at any time prior to the execution of a contract if funds become unavailable through lack of appropriations, budget cuts, transfer of funds between programs or agencies, amendment of the Appropriations

Act, health and human services agency consolidations, or any other disruption of current appropriations. If a contract has been fully executed and these circumstances arise, the provisions of the Termination Article in the contract General Provisions will apply.

2.2.2 Grant Term

It is expected that the initial contract term will begin on or about January 1, 2020 and will be for a 12-month budget period. The contract may be renewed up to *four additional* one-year period(s), with renewal initiated at the sole discretion of DSHS. Continued funding of the contract in future years is contingent upon the availability of funds and the satisfactory performance of the selected Contractor during the prior contract period. Funding may vary and is subject to change each renewal.

2.3 ELIGIBLE APPLICANTS

To be awarded a contract under this RFA, an Applicant must meet the following minimum qualifications:

- A. Applicant must be governmental entities, non-governmental entities, not-for-profit organizations, or for-profit entities that specifically provides services/information/advocacy related to the fight against HIV in communities in the United States. Individuals are not eligible to apply.
- B. Applicant must be established as an appropriate legal entity under applicable state statutes and must have the authority and be in good standing to do business in Texas and to conduct the activities described in this RFA. Applicant must submit proof of ability to conduct business in Texas by submitting a “Certificate of Account Status” (previously called Certificate of Good Standing). This document provides the status of an entity's right to transact business in Texas. This document may be accessed at the Texas Comptroller of Public Accounts (CPA) website at: <https://comptroller.texas.gov/taxes/franchise/coas-instructions.php>.
- C. Applicant must have been granted authority to transact business by the Texas Secretary of State. <https://www.sos.state.tx.us/>
- D. Applicant must have a DUN and Bradstreet (D&B) Data Universal Numbering System (DUNS) number as the Universal Identifier. Applicants must submit proof of a DUNS number, which is required for the receipt for federal funds. The following link provides information on obtaining a DUNS number: <https://www.dnb.com/duns-number/get-a-duns.html>
- E. Applicant is not eligible to apply for funds under this RFA if currently debarred, suspended, or otherwise excluded or ineligible for participation in Federal or State assistance programs. <https://comptroller.texas.gov/purchasing/programs/vendor-performance-tracking/debarred-vendors.php>
- F. Applicant may not be eligible for contract award if audit reports or financial statements submitted with the application, if any, identify concerns regarding the future viability of the Applicant, material non-compliance, or material weaknesses that were not satisfactorily addressed, as determined by DSHS.
- G. Applicant’s staff members, including the executive director, must not serve as voting members on their employer’s governing board. Applicants must submit their

Board Bylaws, which must specifically outline the organizations/Boards rules about voting members.

- H. In compliance with the Texas CPA's, Statewide Procurement Division rules, a name search will be conducted using the websites listed in this section prior to the development of a contract. Applicant is ineligible to contract with DSHS if a name match with a negative report is found on any of the following lists:
1. The System for Award Management (SAM) – Federal at <https://www.sam.gov/SAM/>
 2. The Office of Inspector General (OIG) List of Excluded Individuals/Entities Search– State <https://oig.hhs.state.tx.us/oigportal/Exclusions>
 3. Texas Comptroller of Public Accounts (CPA) Debarment List located at: <https://comptroller.texas.gov/purchasing/programs/vendor-performance-tracking/debarred-vendors.php>

NOTE: If any of the above links do not open, copy and paste link into your internet browser window. Chrome is the preferred search engine. DSHS will check these lists prior to contract award.

Except as discussed above, Applicant is not considered eligible to apply unless the Applicant meets the eligibility conditions to the stated criteria listed above at the time the application is submitted. Applicant must continue to meet these conditions throughout the life of the resulting contract.

2.4 PROGRAM REQUIREMENTS

The mission of the HIV Capacity Building grant is to increase the effectiveness and efficiency of HIV/STD service providers including testing specialists, disease intervention specialists, case managers, care and treatment service providers and other professionals to implement a HIP approach to reducing new HIV infections. HIP is a public health approach to disease prevention in which proven, cost-effective, and scalable interventions are implemented for preventing the greatest amount of infections or for reducing disparities, given available resources.

To meet the mission of the grant, Respondents must provide, revise, develop, and/or support in-person, virtual and on-line courses as directed by DSHS and provide technical assistance as required, for DSHS HIV/STD service providers and others who provide HIV testing, navigation and other HIV care services.

Successful Applicants must have demonstrated experience in HIV/STD capacity building. They must show the ability to utilize existing course curricula to provide training across the State in an expedient manner. They must also show the ability to develop virtual training opportunities. They must demonstrate the ability to maintain and revise existing on-line training and to develop new on-line training as required. Applicants must provide an example of classroom, virtual and on-line training curricula developed by the organization as part of the application.

DSHS owns the rights to all on-line and in-person training materials developed using DSHS funds.

The field of HIV/STD Prevention and Care is always changing. Applicant shall continually update and revise all training materials including classroom, virtual and on-line, based on the latest available HIV/STD information and shall report updates/revisions to DSHS as part of the quarterly progress report. All courses, materials and technical assistance must reflect and support “*Achieving Together: A Community Plan to End the HIV Epidemic in Texas*” (Appendix A).

2.5 SCOPE

This RFA is designed to strengthen the capacity of DSHS HIV/STD service providers to implement a High-Impact Prevention approach to reducing new HIV infections.

Applicant shall do the following activities/tasks in fulfillment of the requirements of this RFA:

1. provide in-person and virtual capacity building training sessions as directed by DSHS, for a training audience that includes DSHS program HIV/STD service providers and others who provide HIV services within the State of Texas;
2. identify an appropriate date and location, handle all registration activities and promotion, for each training session offered; NOTE: The Applicant’s training schedule must be mutually agreed upon in advance between awarded Applicant and DSHS Program;
3. develop, maintain and revise in-person and virtual capacity building training sessions as directed by DSHS;
4. maintain and revise existing on-line courses and materials and develop new on-line courses and materials as directed by DSHS;
5. offer training that is consistent with the training requirements for HIV/STD prevention contractors, listed at <http://www.dshs.state.tx.us/hivstd/training/default.shtm>;
6. conduct courses in accordance with the DSHS HIV and STD Program Operating Procedures and Standards, listed at <https://www.dshs.texas.gov/hivstd/pops/>;
7. provide technical assistance to DSHS Program’s HIV/STD contractors upon request and as directed by DSHS;

NOTE: Applicant will be responsible for continued development and implementation of timely training for all its trainers. All trainers shall be required to complete and pass DSHS’ instructor quality assurance assessment before conducting a training on their own.

8. conduct DSHS-approved participant evaluations following the completion of each training session; and

9. cooperate fully with DSHS staff when they are performing extensive monitoring and observation of the Applicant's lead trainers and co-trainers.

2.5.1 Application Forms

Applicants must complete and submit the following forms that constitute the full “Application” to this RFA and the exhibits:

Required Forms

- a) Form A – Respondent Information (Face Page)
- b) Form B – Entity Information, Contract and Litigation History
- c) Form B1—Governmental Entity Application (submit only if applicable)
- d) Form B2 – Non-Profit or For-Profit Entity Application (submit as applicable)
- e) Form C –Exceptions and Assumption Form (submit if there are exceptions to this RFA)
- f) Form D – Applicant Background
- g) Form E— Work Plan
- h) Form F – Deliverable Cost Application

Required Exhibits

- a) Exhibit A: Affirmations and Solicitation Acceptance
- b) Exhibit B: HHSC Uniform Terms and Conditions – Grant v. 2.16.1
- c) Exhibit C: DSHS Special Conditions V1.1-Grantee
- d) Exhibit D: Federal Assurances – Non-Construction Programs
- e) Exhibit E: Federal Fiscal Funding Accountability and Transparency Act (FFATA) Form
- f) Exhibit G: Evaluation Tool

NOTE: Failure to submit any of the required forms may cause the Applications application to be considered nonresponsive.

2.5.2 Deliverable Cost Application

Using **Form F, Deliverable Cost Application**, Applicant must submit a deliverables cost application for the services specified in Article 2, Scope of Work, and shall include all labor, materials, tools, supplies, equipment, and personnel, including but not limited to, travel expenses, associated costs and incidental costs necessary to provide the products and services according to the minimum specifications, requirements, provisions, terms and conditions set forth in this Solicitation. Applicants must demonstrate that project costs outlined in the Deliverable Cost Application are reasonable, allowable, allocable, and developed in accordance with applicable state and federal grant requirements.

Applicant must utilize the HHSC template provided.

2.6 PERFORMANCE MEASURES

The following performance measures will be used to assess, in part, selected Applicant's effectiveness in providing the services described in this RFA. The selected Applicant shall develop, support and/or provide activities, courses and materials that support High-Impact Prevention (upon approval from DSHS), to include:

- 1) Scheduling all HIV/STD courses/trainings funded by the resulting Contract. The following tasks/activities shall be performed by the selected Applicant to successfully schedule all HIV/STD courses/trainings:
 - a) Identify an appropriate location and date for the training sessions;
 - b) Submit training schedule to DSHS for approval;
 - c) Develop promotional material and work with DSHS to promote the course(s);
 - d) Ensure the dates, locations of the training sessions and registration links are added to the DSHS on-line training calendar no later than forty-five (45) calendar days prior to the training session; and
 - e) Ensure a training application is completed for each participant.
- 2) Establishing on-line registration processes for each course, including:
 - a) making registration available no later than forty-five (45) calendar days prior to the training session;
 - b) ensure a training application is completed for each participant;
 - c) verify that all participants have completed pre-requisite courses three (3) calendar days prior to the training start date; and
 - d) obtain a copy of the training certificate from the training participant or DSHS, as verification of completion.
- 3) Working in cooperation with DSHS Capacity Building staff, selected Applicant shall promote each course in a timely manner that ensures courses are attended to capacity;

NOTE: Individuals who are not DSHS HIV/STD program staff or service provider staff but are professionals who provide HIV testing and/or counseling throughout the State of Texas may participate in the trainings, provided space is available.

- 4) Conduct a minimum of six (6) HIV "Navigation in Texas (HNT)" Learning Sessions, as directed by DSHS;
- 5) Conduct a minimum of six (6) "Foundations of Testing and Navigation (FTN)" Learning Sessions, as directed by DSHS;
- 6) Conduct at least four (4) Gender and Sexual Diversity (GSD) courses, as directed by DSHS;
- 7) Conduct at least four (4) Trauma Informed Care (TIC) courses, as directed by DSHS;

- 8) Conduct at least four (4) Motivational Interviewing (MI) courses, as directed by DSHS;

NOTE: Participants shall not be charged a fee to attend DSHS Capacity Building funded trainings.

- 9) Provide feedback to DSHS Program on any DSHS funded participant who, in Applicant's assessment, does not understand the training material. Such feedback will be given to DSHS within one (1) week of completion of the training presentation in question and may be done orally and/or in writing;
- 10) Under DSHS HIV/STD staff guidance, develop new classroom, virtual and on-line courses and materials as directed;
- 11) Under DSHS HIV/STD staff guidance, maintain and revise all on-line curricula as needed, including but not limited to the following nine (9) HIV "Navigation in Texas (HNT)" Modules:
 - a) Introduction to HIV Navigation in Texas;
 - b) Social Determinants of Health;
 - c) Typical Client Needs;
 - d) Gender and Sexuality Review;
 - e) Motivational Interviewing Review;
 - f) Trauma Informed Care;
 - g) Decreasing Stigma by Using Sexual Health Language;
 - h) People First Language; and
 - i) Status Neutral Navigation.
- 12) Provide appropriate continuing education credits, as requested by participants, for DSHS staff and designated service providers, who are also licensed professional counselors, social workers, and other identified paraprofessionals;
- 13) Provide technical assistance to DSHS Program's HIV/STD contractors upon request and as directed by DSHS. Technical assistance shall include answering questions regarding the implementation of "Foundations of Testing and Navigation (FTN)" or other questions related to training. Technical assistance may be provided by telephone, in person, and/or in writing within five business days;
- 14) Submit quarterly progress reports, in the standard format provided by DSHS Program by electronic mail transmission to hivstdreport.tech@dshs.state.tx.us
Quarterly reports are due on April 20, 2020, July 20, 2020, October 20 and January 20, 2021. These progress reports must include the following:
 - a) Number of participants trained during the reporting period in classroom training;

- b) Number of classroom trainings completed during the reporting period;
 - c) Number of on-line training participants who completed training during the reporting period;
 - d) DSHS approved revisions to training curricula;
 - e) Obstacles encountered in scheduling trainings during the reporting period;
 - f) Program and training successes;
 - g) Proposed training schedule revisions for the reporting period;
 - h) Summary of curriculum revisions for the reporting period, including timeline;
 - i) Average score and summary of participant course evaluations; and
 - j) Problem areas, concerns and updates.
- 15) Establish quality assurance standards applicable to the Successful Applicant's trainers that include, but are not limited to:
- a) Applicant's trainers shall not perform a solo training session or train without an approved lead trainer until the trainer has completed and pass all DSHS-required instructor quality assurance assessment requirements;
Requirements to be an approved trainer are attached as the DSHS Checklist for Instructor Assessment (**see Appendix 2**);
 - b) The following elements must be part of any training program that Applicant implements for in-house training of its trainer staff, within six (6) months of employment, and prior to referral of the employee for DSHS Quality Assurance Review. Applicant's staff member being trained must (in this order):
 - i) Attend the course presented under the resulting Contract;
 - ii) Assist an approved lead trainer in the conducting of the course; and,
 - iii) Conduct the course, under direct supervision of one of Applicant's approved lead trainers.
- 16) Applicant's trainers shall be evaluated by each training session participant using the Participant Trainer Evaluation form (provided by DSHS Program). Applicant must ensure that participants complete trainer evaluations for each course provided in a timely manner. Applicant shall review the Participant Trainer Evaluation forms. When the class average scores are under 3.5, Applicant will begin immediate Quality Assurance Review of trainer who conducted that class;
- 17) Set up and attend quarterly quality assurance meetings with DSHS capacity building staff; and
- 18) Attend all meetings designated by DSHS.

Applicant shall comply with all applicable federal and state statutes and regulations, standards, and guidelines, including, but not limited to DSHS Program's HIV and STD

Program Operating Procedures and Standards, located at <http://www.dshs.state.tx.us/hivstd/pops/default.shtm>.

Applicant shall perform all activities in accordance with the HIV Capacity Building RFA, with the terms of the resulting Contract, and within the detailed budget as approved by DSHS Program. Applicant shall receive written approval from DSHS before varying from applicable policies, procedures, and protocols and shall update its internal implementation documentation within forty-eight (48) hours of making approved changes.

Applicant's performance will be evaluated and reserves the right to conduct on-site reviews and may take remedial or corrective actions, including, but not limited to:

- a. Accelerated monitoring which may include more frequent reporting or on-site reviews;
- b. Payment hold until performance is in compliance with the terms of the contract; or
- c. Report negative performance to the Texas Comptroller of Public Accounts.

2.7 PROHIBITIONS

Funds will be awarded for the purpose specifically defined in this RFA and must not be used for any other purpose. Funds may be used for personnel, fringe benefits, staff travel, contractual services, other direct costs, and indirect costs, as allowed in the budget.

Grant funds may not be used to support the following services, activities, and costs:

- A. Inherently religious activities such as prayer, worship, religious instruction, or proselytization;
- B. Lobbying;
- C. Any portion of the salary of, or any other compensation for, an elected or appointed government official;
- D. Vehicles or equipment for government agencies that are for general agency use and/or do not have a clear nexus to terrorism prevention, interdiction, and disruption (i.e. mobile data terminals, body cameras, in-car video systems, or radar units, etc. for officers assigned to routine patrol);
- E. Weapons, ammunition, tracked armored vehicles, weaponized vehicles or explosives (exceptions may be granted when explosives are used for bomb squad training);
- F. Admission fees or tickets to any amusement park, recreational activity or sporting event;
- G. Promotional gifts;
- H. Food, meals, beverages, or other refreshments, except for eligible per diem associated with grant-related travel or where pre-approved for working events;
- I. Membership dues for individuals;
- J. Any expense or service that is readily available at no cost to the grant project;

- K. Any use of grant funds to replace (supplant) funds that have been budgeted for the same purpose through non-grant sources;
- L. Fundraising;
- M. Statewide projects;
- N. Any other prohibition imposed by federal, state, or local law;
- O. The acquisition or construction of facilities; and
- P. Supplant other local, state, or federal funds.

2.8 STANDARDS

Applicants must comply with the requirements applicable to this funding source cited in the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements* for Federal Awards (2 CFR Part 200); the *Uniform Grant Management Standards (UGMS)*, and all statutes, requirements, and guidelines applicable to this funding.

Applicants are required to conduct Project activities in accordance with federal and state laws prohibiting discrimination. Guidance for adhering to non-discrimination requirements can be found on the Health and Human Services Commission (HHSC) Civil Rights Office website at: <https://hhs.texas.gov/about-hhs/your-rights/civil-rights-office>

Upon request, an Applicant must provide the HHSC Civil Rights Office with copies of all the Applicant's civil rights policies and procedures. Applicants must notify HHSC's Civil Rights Office of any civil rights complaints received relating to performance under the contract no more than ten (10) calendar days after receipt of the complaint. Notice must be directed to:

HHSC Civil Rights Office
701 W. 51st Street, Mail Code W206
Austin, TX 78751
Phone Toll Free (888) 388-6332
Phone: (512) 438-4313
TTY Toll Free (877) 432-7232
Fax: (512) 438-5885

An Applicant must ensure that its policies do not have the effect of excluding or limiting the participation of persons in the Applicant's programs, benefits or activities on the basis of national origin, and must take reasonable steps to provide services and information, both orally and in writing, in appropriate languages other than English, in order to ensure that persons with limited English proficiency are effectively informed and can have meaningful access to programs, benefits, and activities.

Applicants must comply with Executive Order 13279, and its implementing regulations at 45 CFR Part 87 or 7 CFR Part 16, which provide that any organization that participates in programs funded by direct financial assistance from the U.S. Dept. of Agriculture or U.S. Dept. of Health and Human Services must not, in providing services, discriminate against

a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.

2.10 NO GUARANTEE OF VOLUME, USAGE OR COMPENSATION

The System Agency makes no guarantee of volume, usage, or total compensation to be paid to any Applicant under any awarded Grant, if any, resulting from this Solicitation. Any awarded Grant is subject to appropriations and the continuing availability of funds.

The System Agency reserves the right to cancel, make partial award, or decline to award a Grant under this Solicitation at any time at its sole discretion.

There should be no expectation of additional or continued funding on the part of the Grant Recipient. Any additional funding or future funding may require submission of an application through a subsequent RFA.

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ARTICLE III. ADMINISTRATIVE INFORMATION

3.1 SCHEDULE OF EVENTS

EVENT	DATE/TIME
Solicitation Release Date	Wednesday, October 30, 2019
Deadline for Submitting Questions	Monday, November 4, 2019 at 2:00p.m. Central Time
Answers to Questions Posted	Friday, November 8, 2019
Deadline for submission of Solicitation Responses [NOTE: Responses must be RECEIVED by HHSC by the deadline.]	Friday, November 22, 2019 2:00 p.m. Central time
Anticipated Contract Start Date	Wednesday, January 1, 2020

Note: These dates are a tentative schedule of events. The System Agency reserves the right to modify these dates at any time upon notice posted to the HHS Grants Website. Any dates listed after the Solicitation Response deadline will occur at the discretion of the System Agency and may occur earlier or later than scheduled without notification on the HHS Grants Website.

3.2 CHANGES, AMENDMENT OR MODIFICATION TO SOLICITATION

The System Agency reserves the right to change, amend or modify any provision of this Solicitation, or to withdraw this Solicitation, at any time prior to award, if it is in the best interest of the System Agency and will post such on the HHS Grants website, <https://apps.hhs.texas.gov/pcs/rfa.cfm> It is the responsibility of Applicant to periodically check the HHS Grants website to ensure full compliance with the requirements of this Solicitation. Any addenda to this RFA issued will also be posted there.

3.3 IRREGULARITIES

Any irregularities or lack of clarity in this Solicitation should be brought to the attention of the Point of Contact listed in **Section 3.4.1** as soon as possible so corrective addenda may be furnished to prospective Applicants.

3.4 INQUIRIES

3.4.1 Point of Contact

All requests, questions or other communication about this Solicitation shall be made in writing to the System Agency's Point of Contact addressed to the person listed below. All communications between Applicants and other System Agency staff members concerning the Solicitation are strictly prohibited, unless noted elsewhere in this RFA. **Failure to**

comply with these requirements may result in disqualification of Applicant's Solicitation Response.

Name: Jennifer Kim, CTCM, CTCD
Title: Contract Specialist
Address: 1100 W. 49th Street, Austin, TX. 78756
Phone: 512-406-2537
Email: Jennifer.kim@hhsc.state.tx.us

3.4.2 Prohibited Communications

All communications between Applicants and other System Agency staff members concerning the Solicitation may not be relied upon and Respondent should send all questions or other communications to the Point-of Contact. This restriction does not preclude discussions between affected parties for the purposes of conducting business unrelated to this Solicitation. **Failure to comply with these requirements may result in disqualification of Applicant's Solicitation Response.**

3.4.3 Questions

The System Agency will allow written questions and requests for clarification of this Solicitation. Questions must be submitted in writing and sent by U.S. First class mail or email to the Point of Contact listed in **Section 3.4.1** above. Applicants' names will be removed from questions in any responses released. Questions shall be submitted in the following format. Submissions that deviate from this format may not be accepted:

- A. Identifying Solicitation number
- B. Section Number
- C. Paragraph Number
- D. Page Number
- E. Text of passage being questioned
- F. Question

Note: Questions or other written requests for clarification must be received by the Point of Contact by the deadline set forth in Section 3.1 above. However, the System Agency, at its sole discretion, may respond to questions or other written requests received after the deadline. Please provide entity name, address, phone number; fax number, e-mail address, and name of contact person when submitting questions.

3.4.4 Clarification request made by Applicant

Applicants must notify the Point of Contact of any ambiguity, conflict, discrepancy, exclusionary specifications, omission or other error in the Solicitation in the manner and by the deadline for submitting questions.

3.4.5 Responses

Responses to questions or other written requests for clarification will be posted on the HHS Grants website. The System Agency reserves the right to amend answers prior to the deadline for submission of Solicitation Responses. Amended answers will be posted on the

HHS Grants website. It is Applicant's responsibility to check the HHS Grants website or contact the Point of Contact for updated responses. The System Agency also reserves the right to provide a single consolidated response of all similar questions in any manner at the System Agency's sole discretion.

3.5 SOLICITATION RESPONSE COMPOSITION

3.5.1 Generally

All Applications must be:

- Clearly legible;
- Sequentially page-numbered and include the Applicant's name at the top of each page;
- Organized in the sequence outlined in **Article IX - Submission Checklist**;
- In Arial or Times New Roman font, size 12 or larger for normal text, no less than size 10 for tables, graphs, and appendices;
- Blank forms provided in the Attachments must be used (electronic reproduction of the forms is acceptable; however, all forms must be identical to the original form(s) provided); do not change the font used on forms provided;
- Correctly identified with the RFA number and submittal deadline;
- Responsive to all RFA requirements; and
- Signed by an authorized official in each place a signature is needed (copies must be signed but need not bear an original signature).

3.6.2 Submission in Separate Parts

1. Administrative Information, including all forms;
2. Narrative Application, including all forms;
3. Expenditure Application (Budget); and
4. Applicable Exhibits and Required Forms.

Electronic submissions must be separated by electronic medium used for submission (i.e. flash drive).

The entire Solicitation Response –electronic copies – must then be submitted in one package to HHSC at the address listed in **Section 3.6.3**. The number of copies and directions for submitting an "Original" and "Copies" are outlined in **Article IX**.

3.6 SOLICITATION RESPONSE SUBMISSION AND DELIVERY

3.6.1 Deadline

Solicitation Responses must be received at the address in **Section 3.6.3** and time-stamped by the System Agency no later than the date and time specified in **Section 3.1**.

3.6.2 Labeling

Solicitation Responses shall be placed in a sealed box and clearly labeled as follows:

SOLICITATION NO.: HHS0004673
SOLICITATION NAME: HIV Capacity Building
SOLICITATION RESPONSE DEADLINE: Friday, November 22, 2019 at 2:00p.m.
Central Time

The System Agency will not be held responsible for any Solicitation Response that is mishandled prior to receipt by the System Agency. It is Applicant's responsibility to mark appropriately and deliver the Solicitation Response to the System Agency by the specified date and time.

3.6.3 Delivery

Applicant must deliver Solicitation Responses by one of the methods below to the address noted. Solicitation Responses submitted by any other method (e.g. facsimile, telephone, email) will NOT be considered.

To be delivered by U.S. Postal Service, overnight or express mail, or hand delivery to:

HHSC Procurement and Contracting Services (PCS)
Bid Room
Attn: Jennifer Kim
1100 W. 49th Street, MC 2020
Austin, Texas 78756

NOTE: All Solicitation Responses become the property of HHSC after submission and will not be returned to Applicant.

3.6.4 Alterations, Modifications, and Withdrawals

Prior to the Solicitation submission deadline, an Applicant may: (1) withdraw its Solicitation Response by submitting a written request to the Point of Contact identified in **Section 3.4.1**; or (2) modify its Solicitation Response by submitting a written amendment to the Point of Contact identified in **Section 3.4.1**. The System Agency may request Solicitation Response Modifications at any time.

ARTICLE IV. SOLICITATION RESPONSE EVALUATION AND AWARD PROCESS

4.1 GENERALLY

Those Applicants making it through the initial review process will participate in a negotiation process which will determine final selection. Not all Applicants who are deemed eligible to receive funds are assured of receiving an award.

The final funding amount and the provisions of the contract will be determined at the sole discretion of HHSC.

4.2 ELIGIBILITY SCREENING

Applications will be reviewed for minimum qualifications and completeness. All complete applications meeting the minimum qualifications will move to the Evaluation stage.

4.3 EVALUATION

Applications will be evaluated and scored based on application components outlined below and other factors deemed relevant by HHSC/DSHS, including but not limited to best value factors in accordance with the Texas Administrative Code Title 1, Part 15, Chapter 391 Subchapter B, 391.207, and in the best interest of the State of Texas. Each application will be evaluated on three components described below.

4.3.1 Specific Selection Criteria

Grant applications shall be evaluated based upon:

- A. The **Applicant Background, Form D**, is worth 40% of the score, and requests information on the Applicants' organization and experience delivering the activities proposed in the application.
- B. The **Work Plan, Form E**, is worth 40% of the score, and requires a general overview of the proposed activities as well as specific responses for items.
- C. The **Deliverable Cost Application, Form F**, is worth 20% of the score.

4.4 FINAL SELECTION

HHSC intends on making one award. After initial screening for eligibility, application completeness, and initial scoring of the elements listed above in **Section 4.3.1**, a selection committee will look at all eligible Applicants to determine which application should be awarded, to most effectively accomplish state priorities. The selection committee will recommend grant award to be made to the HHSC Executive Commissioner, who will have final approval of any recommendation for award.

HHSC will make the final funding decision based on eligibility, geographic distribution across the state, state priorities, reasonableness, availability of funding, and cost-effectiveness.

4.5 NEGOTIATION AND AWARD

The specific dollar amount awarded to the successful Applicant will depend upon the merit and scope of the Application, the recommendation of the Selection Committee, and the decision of the Executive Commissioner. Not all Applicants who are deemed eligible to receive funds are assured of receiving an award.

The negotiation phase will involve direct contact between the successful Applicant and HHSC representatives via phone and/or email. During negotiations, successful Applicants may expect:

- An in-depth discussion of the submitted application and budget; and
- Requests from HHSC for clarification or additional detail regarding submitted Application.

The final funding amount and the provisions of the contract will be determined at the sole discretion of HHSC staff.

HHSC may announce the tentative or apparent grant recipient once the Executive Commissioner has given approval to initiate negotiation and execute contract.

Any exceptions to the requirements, terms, conditions, or certifications in the RFA or attachments, addendums, or revisions to the RFA or General Provisions, sought by the Applicant must be specifically detailed in writing by the Applicant on Form C: Exception and Assumptions Form in this application and submitted to HHSC for consideration. HHSC will accept or reject each proposed exception. HHSC will not consider exceptions submitted separately from the Applicant's application or later.

HHSC will post to the HHS Grants website and may publicly announce a list of Applicants whose Applications are selected for final award. This posting does not constitute HHSC's agreement with all the terms of any Applicant's application and does not bind HHSC to enter into a contract with any Applicant whose award is posted.

4.5 QUESTIONS OR REQUESTS FOR CLARIFICATION BY THE SYSTEM AGENCY

The System Agency reserves the right to ask questions or request clarification from any Applicant at any time during the application process.

ARTICLE V. NARRATIVE APPLICATION

5.1 NARRATIVE APPLICATION

5.1.1 Executive Summary

Applicant will complete **Form D – Applicant Background** attached to this RFA. Applicants will provide a high-level overview with a broad understanding of the Applicant's approach to meeting the RFA's business requirements. The summary must demonstrate an understanding of the goals and objectives of this solicitation.

5.1.2 Project Work Plan

Applicant will complete **Form E, Work Plan**, and **Form F, Deliverable Cost Application**, attached to this RFA.

The remainder of this page is intentionally left blank.

ARTICLE VI. REQUIRED APPLICANT INFORMATION

6.1 ADMINISTRATIVE ENTITY INFORMATION

Applicants must provide satisfactory evidence of its ability to manage and coordinate the types of activities described in Article II.

6.2 LITIGATION AND CONTRACT HISTORY

Applicant must include in its Solicitation Response a complete disclosure of any alleged or significant contractual failures.

In addition, Applicant must disclose any civil or criminal litigation or investigation pending over the last five (5) years that involves Applicant or in which Applicant has been judged guilty or liable. Failure to comply with the terms of this provision may disqualify Applicant.

Solicitation Response may be rejected based upon Applicant's prior history with the State of Texas or with any other party that demonstrates, without limitation, unsatisfactory performance, adversarial or contentious demeanor, or significant failure(s) to meet contractual obligations.

6.3 CONFLICTS

Applicant must certify that it does not have any personal or business interests that present a conflict of interest with respect to the RFA and any resulting contract. Additionally, if applicable, the Applicant must disclose all potential conflicts of interest. The Applicant must describe the measures it will take to ensure that there will be no actual conflict of interest and that its fairness, independence and objectivity will be maintained. The System Agency will determine to what extent, if any, a potential conflict of interest can be mitigated and managed during the term of the contract. Failure to identify actual and potential conflicts of interest may result in disqualification of a Solicitation Response or termination of a contract.

Please include any activities of affiliated or parent organizations and individuals who may be assigned to this Contract, if any.

Additionally, pursuant to Section 2252.908 of the Texas Government Code, a successful Applicant awarded a contract greater than \$1 million dollars or awarded a Contract that would require the successful Respondent to register as a lobbyist under Texas Government Code Chapter 305 must submit a disclosure of interested parties to the state agency at the time the business entity submits the signed contract. Rules and filing instructions may be found on the Texas Ethics Commissions public website and additional instructions will be given by HHSC to successful Applicants.

6.5 AFFIRMATIONS AND CERTIFICATIONS

Applicant must complete and return all the following listed forms and exhibits. Exhibits are listed following **Article IX**.

The remainder of this page is intentionally left blank.

ARTICLE VII. RESERVED

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ARTICLE VIII. GENERAL TERMS AND CONDITIONS

8.1 GENERAL CONDITIONS

8.1.1 Costs Incurred

Applicants understand that issuance of this Solicitation in no way constitutes a commitment by any System Agency to award a contract or to pay any costs incurred by an Applicant in the preparation of a response to this Solicitation. The System Agency is not liable for any costs incurred by an Applicant prior to issuance of or entering into a formal agreement, contract, or purchase order. Costs of developing Solicitation Responses, preparing for or participating in oral presentations and site visits, or any other similar expenses incurred by an Applicant are entirely the responsibility of the Applicant, and will not be reimbursed in any manner by the State of Texas.

8.1.2 Applicant Responsibility

The System agency will look solely to Applicant for the performance of all contractual obligations that may result from an award based on this Solicitation. Applicant shall not be relieved of its obligations for any nonperformance by its contractors.

8.1.3 Public Information Act

Solicitation Responses are subject to the Texas Public Information Act (PIA), Texas Government Code Chapter 552, and may be disclosed to the public upon request. Subject to the PIA, certain information may be protected from public release. Applicants who wish to protect portions of the Solicitation Response from public disclosure should familiarize themselves with this law. Information pertaining to the Solicitation will be withheld or released only in accordance with the PIA. Amendments to the PIA passed during the 86th Legislative Session, specifically make “contracting information” public information that must be disclosed in response to a public information request unless otherwise excepted by the Act. S.B. 943, Acts 2019, 86th Leg., R.S. (to be codified as Tex. Gov’t Code §§ 552.003(7), 552.0222). Legislative bills are available on the Texas Legislature Online website: <https://capitol.texas.gov/Home.aspx>.

In addition, pursuant to Texas Government Code Section 2261.253(a), HHSC is required to post executed contracts and the associated solicitation documents on the agency website. Contract documents posted to the web may include the Solicitation Response of any Respondent receiving a Contract.

HHSC does not have authority to agree that any information submitted will not be subject to disclosure. Disclosure is governed by the PIA. Respondents are advised to consult with their legal counsel concerning disclosure issues resulting from this process and to take precautions to safeguard trade secrets and proprietary or otherwise confidential information. If it is necessary for Respondent to include proprietary or confidential information (which may include, but is not limited to, trade secrets or privileged information), Respondent must clearly mark in bold red letters the term “CONFIDENTIAL” using at least 14-point font, on that specific part or page of the submittal which Respondent believes to be confidential. All submittals and parts of

submittals that are not marked confidential will be automatically considered to be public information. Should trade secrets or proprietary or otherwise confidential information be included in the submitted electronic copy, the content should be marked in the same manner as the original as stated above. In addition, Respondent should mark the medium with the word "CONFIDENTIAL." If HHSC receives a public information request seeking information marked by Respondent as confidential, Respondent will receive notice of the request as required by the Texas Public Information Act.

If HHSC receives a public information request for submittals and parts of submittals that are not marked confidential, the information will be disclosed to the public as required by the Texas Public Information Act. Note that pricing is not generally considered confidential under the Texas Public Information Act. Merely making a blanket claim that the entire Solicitation Response is protected from disclosure because it contains any amount of proprietary or confidential information is not acceptable and may make the entire Solicitation Response subject to release under the PIA.

8.1.4 News Releases

Prior to final award an Applicant may not issue a press release or provide any information for public consumption regarding its participation in the procurement. Requests should be directed to the HHSC Point of Contact identified in **Article III**.

8.1.5 Additional Information

By submitting an Application, the Applicant grants HHSC the right to obtain information from any lawful source regarding the Applicant's and its directors', officers', and employees': (1) past business history, practices, and conduct; (2) ability to supply the goods and services; and (3) ability to comply with contract requirements. By applying, an Applicant generally releases from liability and waives all claims against any party providing HHSC information about the Applicant. HHSC may take such information into consideration in evaluating Applicant's Application.

8.1.6 Confidential Information

If contractor has access to any confidential information in performing contractor's obligations set forth in this agreement, contractor will comply with all applicable federal and state privacy, security and breach notification laws and regulations to safeguard that confidential information.

ARTICLE IX. SUBMISSION CHECKLIST

This checklist is provided for Applicant's convenience only and identifies documents that must be submitted with this Solicitation in order to be considered responsive. Any Solicitation Response received without these requisite documents may be deemed nonresponsive and may not be considered for contract award.

Original Solicitation Response Package

The Solicitation Package must be electronic and include the "Original" Solicitation Response consisting of the four parts described in detail below, each under separate cover but packaged together and clearly labeled "Original" on each.

1. Administrative Information (Forms A through C)

- a. Form A – Respondent Information (Face Page) _____
- b. Form B – Entity Information, Contract and Litigation History _____
- c. Form B-1 - Governmental Entity Application (if applicable) _____
- d. Form B-2 - Non-Profit or For-Profit Entity Application (if applicable) _____
- e. Form C - Exceptions and Assumptions Form _____

2. Narrative Application Forms (Forms D & E)

- a. Form D - Applicant Background _____
- b. Form E - Work Plan _____

3. Expenditure Application (template included)

- a. Form F - Deliverable Cost Application _____

4. Applicable Exhibits

- a. Exhibit A - Affirmations and Solicitation Acceptance _____
- b. Exhibit B- HHSC Uniform Terms and Conditions-Grant 2.16.1 _____
- c. Exhibit C - DSHS Special Conditions V1.1- Grantee _____
- d. Exhibit D- Assurances – Non-Construction Programs _____
- e. Exhibit E - Federal Fiscal Funding Accountability and Transparency Act Form (FFATA Form) _____

Copies of Solicitation Response Package

Applicant must provide one **electronic** copy. The Electronic copy must be submitted on a USB Drive and separated by folders.

- 1 Electronic copy of Administrative Information
- 1 Electronic copy of Narrative Application
- 1 Electronic copy of Expenditure Application
- 1 Electronic copy of Applicable Exhibits

ARTICLE X. FORMS AND EXHIBITS LIBRARY

NOTE: This RFA will be in .PDF form on the HHS Grants website, and so the forms embedded in this document are for reference only. They will be posted to the HHS Grants website, in a separate ZIP file.

Forms

Form A Respondent Information
Form B Entity Information, Contract and Litigation History
Form B-1 Governmental Entity Application
Form B-2 Non-Profit and For-Profit Entity Application
Form C Exceptions and Assumptions Form
Form D Applicant Background
Form E Work Plan
Form F Deliverable Cost Application

Exhibits

Exhibit A Affirmation and Solicitation Acceptance
Exhibit B HHSC Uniform Terms and Conditions-Grant 2.16.1
Exhibit C DSHS Special Conditions V1.1- Grantee Conditions
Exhibit D Federal Assurance Non-Construction and Lobbying
Exhibit E FFATA
Exhibit G Evaluation Tool

Appendix

Appendix 1 Program Information: Achieving Together: A Community Plan to End HIV Epidemic in Texas
Appendix 2 Checklist for Instructor Assessment